

Whitehead
Serial No. 09/805,268

Examiner contends discloses every feature of the claimed invention but fails to explicitly disclose varying an intensity of at least one electromagnetic field so that only one electronically detectable tag is detected in the electromagnetic field. In addition, the Examiner relies on Herman to disclose the step of adjusting the intensity of the magnetic field within the surveillance zone to detect the tag 14. The Examiner contends that it would be obvious to one of ordinary skill in the art at the time that the invention was made to incorporate the teaching of Herman and Plonsky to detect accurately the presence of the plurality of tags without interfering with each other within a surveillance zone. However, Herman discloses varying the dc bias field having a different frequency (low frequency bias) than the electromagnetic radiation signal associated with the transmitter. In other words, Herman discloses the application of a magnetic bias field in addition to the transmitter signal to enhance detection within an EAS system.

In contrast, the present invention claims varying the intensity level of the transmitter field not adjusting or adding a magnetic bias field within the surveillance zone. The present invention claims an electronic tag detection system for detecting multiple electronically detectable tags in a detection zone comprising a first and second field generators for generating an electromagnetic field in a detection zone and at least one of said field generators is responsive to the presence of at least two electronically detectable tags in said detection zone for varying the intensity of at least one of said electromagnetic fields so that only one of said electronically detectable tags is detected in said electromagnetic fields. Clearly, varying the intensity level of the transmitter field in the present invention is dissimilar and not disclosed in either Plonsky or Herman.

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Accordingly, applicant respectfully submits that claim 1 is not obvious in view of Plonsky and Herman because neither reference taken alone nor in combination teaches or suggests each and every element of the subject claim.

Independent method claim 17 recites a method for detecting multiple electronically detectable tags in a detection zone comprising providing first and second field generators, each having a respective antenna for generating an electromagnetic field in detection zone defined between said antennas, varying an intensity of at least one of said electromagnetic fields by at least one of said field generators being responsive to a presences of at least two electronically detectable tags in said detection zone. In view of the remarks recited above with respect to independent claim 1, claim 17, includes in method form first and second field generators for varying the intensity of at least one of the electromagnetic fields to detect the presence of a tag in said detection zone. In view of the forgoing remarks and because claims 2-16, and 18-20 depend either directly or indirectly from independent claims 1 and 17 respectively, the applicant respectfully submits that all the claims, 1-20 are in condition for allowance.

Applicant respectfully submits that in light of the foregoing remarks, all of the presently pending claims are in condition for allowance. Entry of the present amendment and/or allowance of the presently pending claims are, therefore, respectfully requested. If the Examiner is in disagreement with the above, Applicant respectfully requests the benefit of a telephonic interview. If the privilege of an interview is granted, the undersigned may be contacted by telephone.

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Applicant conditionally petitions for any extensions of time to provide for the possibility that the need for such an extension not accounted for herein is required. Please charge Deposit Account No. 19-1346 for any required fee.

Respectfully submitted,



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Daniel N. Dalsak
Registration No. 39,160
Tyco Fire & Security
One Town Center Road
Boca Raton, FL 33486
561.988.3807

<p align="center">Certificate of Facsimile Transmission</p> <p>I hereby certify that this document and any document referenced herein has been transmitted via facsimile to the US Patent and Trademark Office, Examiner D. Previl, Group Art Unit 2632 at (703) 872-8314 on <u>May 12, 2003</u>.</p> <p align="center"><u>Karlee L. Lutton</u> (Printed Name of Person Mailing Correspondence)</p> <p align="center"><u>Karlee L. Lutton</u> (Signature)</p>
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